

AUG 29 2005

S&H Form: (02/05)

REPLY/AMENDMENT FEE TRANSMITTAL	Attorney Docket No.	1359.1047
	Application Number	09/866,680
	Filing Date	May 30, 2001
	First Named Inventor	Osami USHIGUSA
	Group Art Unit	2155
AMOUNT ENCLOSED	0.00	Examiner Name NAWAZ, ASAD M

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	21	- 21 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	- 4 =	0	X \$ 200.00 =	0.00

Since an Official Action set an original due date of August 27, 2005, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months

If Notice of Appeal is enclosed, add (\$500.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed.

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.


19-3935

Deposit Account Name

STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	H. J. Staas	Reg. No.	22,010
Signature		Date	Aug. 29, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents.

P.O. Box 1450, Alexandria, VA 22313-1450

on STAAS & HALSEY

By: 

Date: 8/29/05

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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2155
Docket No.: 1359.1047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Osami USHIGUSA

Serial No. 09/866,680

Group Art Unit: 2155

Confirmation No. 5106

Filed: May 30, 2001

Examiner: NAWAZ, ASAD M

For: INFORMATION DISTRIBUTION APPARATUS AND INFORMATION DISTRIBUTION
METHOD

**REQUEST FOR WITHDRAWAL OF FINAL REJECTION AS PREMATURE
UNDER MPEP 706.07(c)-(e); AND**

AMENDMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

This is in response to the Office Action mailed May 27, 2005, and having a period for response set to expire on August 27, 2005, which (being a Saturday) renders this Amendment timely filed as of August 29, 2005.

Reconsideration of the claims is respectfully requested. The following remarks are respectfully submitted.

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AUG 29 2005

Serial No. 09/866,680

REQUEST FOR WITHDRAWAL OF FINAL REJECTION AS PREMATURE UNDER MPEP 706.07(c)-(e)

The Examiner states, in items 1 and 2 at page 2 of the Office Action, that claim 21 is directed to an invention that is independent or distinct from the invention as originally claimed. The Examiner further states, "Newly added claim 21 recites limitations directed towards receiving/storing/retrieving email messages."

It is respectfully submitted that the Examiner errs. As shown below, the claim 21 recitations cited by the Examiner are present in the claims previously presented, as outlined below (please refer to the complete context of the cited claim recitations in the following):

Particularly, claim 21 is directed to a volatile or non-volatile computer-readable digital storage storing information to allow a server to perform a process. The process comprises:

storing sender distribution rankings (corresponding to the distributed rank storage part, as recited in claim 1, storing a distribution rank, as recited in claim 11, and the distribution rank storage part, as recited in claim 20);

receiving and storing email messages from senders (corresponding to the distribution information storage part, as recited in claim 1 and the distribution information storage part, as recited in claim 20);

allowing a user to connect a client to the server (corresponding to the sending/receiving control part, as recited in claim 1); and

using the user's sender distribution rankings to either: limit a number of messages downloaded, limit a time when messages are downloaded or limit an amount of content downloaded (corresponding to a summarization processing part conducting summarization processing of the distribution information stored in the distribution information storage part in accordance with designation of a summarization degree corresponding to the obtained distribution rank, as recited in claim 1, summarizing the distribution information in accordance with designation of a summarization degree corresponding to the obtained distribution rank to send it to the receiving apparatus, as recited in claim 11 and summarizing the distribution information stored in the distribution information storage part in accordance with designation of a summarization degree corresponding to the obtained distribution rank, and distributing the summarized distribution information to the receiving apparatus, as recited in claim 20).

In light of the above, it is respectfully submitted that claim 21 is not directed to an invention that is independent or distinct from the invention originally claimed. Therefore, the

Serial No. 09/866,680

withdrawal of claim 21 in the final Office Action was improper and the Action is incomplete for failure to examine claim 21 on the merits.

Therefore, it is respectfully submitted that the rejection was made final prematurely, under MPEP 706.07(d), since claim 21 was not considered on its merits. Thus, the finality of the rejection must be withdrawn.